

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ANTONIO MARQUIS LATHON

PLAINTIFF

v.

Civil No. 06-5133

CORPORAL WASHBOURNE;
SHERIFF TIM HELDER;
OFFICER KERN; OFFICER ROBINSON;
and OFFICER CASINO

DEFENDANTS

O R D E R

Now on this 13th day of September, 2007, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #34, filed August 24, 2007), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, defendants' motion for summary judgment (Doc. #29) is hereby **granted in part and denied in part**. It is granted with respect to Officer Robinson, Officer Casino and Sheriff Helder and plaintiff's claims against these defendants are dismissed with prejudice. It is denied with respect to Corporal Washbourne and Officer Kern and these claims are remanded to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE